

1 AMENDMENT TO HOUSE BILL 1208

2 AMENDMENT NO. _____. Amend House Bill 1208 as follows:

3 on page 1, line 5, by changing "Section 2" to "Sections 2 and
4 4"; and

5 on page 1, line 22, by changing "peculiar to" to "associated
6 with peculiar-to"; and

7 on page 1, line 31 by changing "peculiar to" to "associated
8 with peculiar-to"; and

9 on page 2, line 5, by changing "peculiar to" to "associated
10 with peculiar-to"; and

11 on page 2, line 9, by changing "peculiar to" to "associated
12 with peculiar-to"; and

13 on page 2, line 13, by changing "peculiar to" to "associated
14 with peculiar-to"; and

15 on page 2, line 15, by changing "peculiar to" to "associated
16 with peculiar-to"; and

17 on page 2, line 31, by replacing the period with the
18 following:

19 ";

20 (7) Objects, home made or manufactured, which may have

1 uses, other than as drug paraphernalia as described in this
2 subsection (d), but are intended by the manufacturer, maker,
3 or user of those objects to be used as drug paraphernalia or
4 which a reasonable person would believe would be used as drug
5 paraphernalia."; and

6 on page 2, by inserting between lines 32 and 33 the
7 following:

8 "(720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

9 Sec. 4. Exemptions. This Act shall not apply to:

10 (a) Items marketed for use in the preparation,
11 compounding, packaging, labeling, or other use of cannabis or
12 a controlled substance as an incident to lawful research,
13 teaching, or chemical analysis and not for sale.

14 (b) Items marketed for, or historically and customarily
15 used in connection with, the planting, propagating,
16 cultivating, growing, harvesting, manufacturing, compounding,
17 converting, producing, processing, preparing, testing,
18 analyzing, packaging, repackaging, storing, containing,
19 concealing, injecting, ingesting, or inhaling of tobacco or
20 any other lawful substance.

21 Items exempt under this subsection include, but are not
22 limited to, garden hoes, rakes, sickles, baggies, tobacco
23 pipes, and cigarette-rolling papers.

24 (c) Items listed in Section 2 of this Act which are
25 marketed for decorative purposes, when such items have been
26 rendered completely inoperable or incapable of being used for
27 any illicit purpose prohibited by this Act.

28 In determining whether or not a particular item is exempt
29 under this subsection, the trier of fact should consider, in
30 addition to all other logically relevant factors, the
31 following:

32 (1) the general, usual, customary, and historical
33 use to which the item involved has been put;

1 (2) expert evidence concerning the ordinary or
2 customary use of the item and the effect of any
3 peculiarity in the design or engineering of the device
4 upon its functioning;

5 (3) any written instructions accompanying the
6 delivery of the item concerning the purposes or uses to
7 which the item can or may be put;

8 (4) any oral instructions provided by the seller of
9 the item at the time and place of sale or commercial
10 delivery;

11 (5) any national or local advertising concerning
12 the design, purpose or use of the item involved, and the
13 entire context in which such advertising occurs;

14 (6) the manner, place and circumstances in which
15 the item was displayed for sale, as well as any item or
16 items displayed for sale or otherwise exhibited upon the
17 premises where the sale was made;

18 (7) whether the owner or anyone in control of the
19 object is a legitimate supplier of like or related items
20 to the community, such as a licensed distributor or
21 dealer of tobacco products;

22 (8) the existence and scope of legitimate uses for
23 the object in the community.

24 (d) Objects used for ingesting, inhaling, or otherwise
25 introducing into the body cannabis or a controlled substance
26 or objects, home made or manufactured, that may have uses,
27 other than as drug paraphernalia, but are intended by the
28 manufacturer, maker, or user of those objects to be used as
29 drug paraphernalia or which a reasonable person would believe
30 would be used as drug paraphernalia are not exempt under this
31 Act.

32 (Source: P.A. 91-357, eff. 7-29-99.)".